IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

CRP.No. 938 of 2004()

TLB(K.1//1995 of TALUK LAND BOARD, KOZHIKODE
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REVN. PETITIONER:
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1. K.C.THOMAS, RESIDING AT MALAPARAMBA HOUSING COLONY, MALAPARAMBA, KOZHIKKODE.

2. ELIZABETH, W/O. K.C.THOMAS, RESIDING AT DO. DO.

BY ADV. SRI.G.SHRIKUMAR
SRIS.SUKUMAR
SRIJACOB CHANDY (VELIYATH)
SMT.P.LISSY JOSE.

RESPONDENTS:
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1. TALUK LAND BOARD, KOZHIKKODE, REPRESENTED BY ITS CHAIRMAN.

2. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIATE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 2301 OF 2007
IN
C.R.P. NO.938 2004

DISMISSED

13/7/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 938 OF 2004

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Dated this the 13th day of July, 2007.

O R D E R

This revision petition is preferred against the order of the Taluk Land Board in TLB(K) 1/95 dated 9.12.03. As per the said order the declarants are directed to surrender 2.77 ½ acres of land comprised in Sy.No.RS.126/3B at Thiruvambadi village. Taluk Land Board exempted 15.56 acres of rubber plantations and fixed the land in possession as 32.50 acres and thereafter deducted the area that can be held by the declarants, then directed to surrender 2.77 ½ acres of land.

2. The learned counsel for the writ petitioner made available before me a report of the Special Deputy Tahsildar dated 2.8.96. In paragraph 2 of the report it is stated that declarants 1 and 2 along with the brother of the first declarant namely Joseph had purchased 12.45 acres as per document No.46667/65 and purchased another 10.04 acres as per document No.2699/67. Thus the total extent under these two documents would come to 22.49 acres and if the extent that is due to the brother Joseph is deleted it will be reduced by 7.49 acres. This aspect of the matter has not been taken note of or considered by the Land Board while arriving at a final decision. Since the area to be surrendered is

only 2.77 ½ acres and the entitlement of Mr. Joseph is almost 7.50 acres, if really it is to be excluded then there will not be any land with the declarant for surrender. Since the Taluk Land Board has not considered that matter it may be considered by the Board. So also the questions whether the entire extent is to be exempted from the purview of the Land Reforms Act, being a rubber plantation, also to be considered by the Land Board by permitting the parties to adduce evidence on that behalf. Therefore, the order under challenge is set aside and the matter is remanded back to the Taluk Land Board for fresh consideration of the materials mentioned above. If there are any other objections that can also be raised by the parties and can be considered by the Taluk Land Board. The parties are directed to appear before the Taluk Land Board on 13.8.2007.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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